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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/614,829

07/09/2003

Kenichiro Tada

8014-1064

5018

466

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12/19/2006

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EXAMINER

SHIFERAW, ELENIA

ART UNIT

PAPER NUMBER

2136

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/614,829	Applicant(s) TADA, KENICHIRO	
	Examiner Eleni A. Shiferaw	Art Unit 2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08/26/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-9 are pending.

Claim Objections

2. Claims 1, 2-3, and 7-8 are objected based on the following reasons.

Claims 1 and 7 are objected to because these claims recite the limitations “the pieces of material information” in line 6. There is insufficient antecedent basis for this limitation in the claim. This limitation should be corrected to “each pieces of material information”. Claims 2, and 3 wherein “the material information” should be corrected for proper antecedent bases as well.

Claims 1 and 7 are objected to because these claims recite the limitation “the material information” in line 8. There is insufficient antecedent basis for this limitation in the claim. This limitation should be corrected to “the pieces of encrypted material information” to refer to limitation on line 3.

Claim 8 is objected to because these claims recite the limitations “the pieces of material information” in line 8. There is insufficient antecedent basis for this limitation in the claim. This limitation should be corrected to “each pieces of material information”. Claims 2, and 3 wherein “the material information” should be corrected for proper antecedent bases as well.

Claim 8 is objected to because these claims recite the limitation “the material information” in line 10. There is insufficient antecedent basis for this limitation in the claim. This limitation should be corrected to “the pieces of encrypted material information” to refer to limitation on line 4.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-5 and 8-9 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. **It is not practical application and/or no tangible result.**

Claims 8-9 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. **It is not tangibly embodied as it is software per se.** It is suggested that the claimed subject matter “An information reproducing program wherein ...” should be changed to “An information reproducing program stored on a hard disk storage medium...”.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Kawada et al. US

Pub. 2002/0001385 A1.

Regarding claims 1 and 7, Kawada et al. discloses an information reproducing apparatus/method for reproducing record information from a recording unit (fig. 6; *recording apparatus*) on which the record information including pieces of enciphered material information having contents which are temporally parallel to each other is recorded (claim 1, 0047 and 0009), comprising:

an obtaining device (0050 and 0061; *consumer and industrial DVD player 13 and 15*) for obtaining deciphering information (0073-0074; *license/usage rights ... content ...decryption key*), set in each of the pieces of material information (0052, 0049, 0045, and 0039; *consumer data ... industrial data*), for deciphering the pieces of enciphered material information (0050, and 0064; *for decrypting ... encrypted...consumer data... industrial data*); and

a deciphering device for deciphering the material information corresponding to the obtained deciphering information on the basis of the obtained deciphering information (claim 6, 0049, 0064, 00700073-0074; *usage rights is checked... usage key is decrypted... for decrypting VOBs/video objects/consumer data and/or industrial data*).

Regarding claim 8, it has similar limitations as claim 1, and it is being rejected based on the same rationale as claim 1. In addition, Kawada et al. teaches the additional limitations of claim 8 wherein

a computer included in an information reproducing apparatus for reproducing record information from a recording medium (fig. 5-6) on which the record information including pieces of enciphered material information having contents which are temporally parallel to each other is recorded (claim 10, 0047 and 0009; *encrypted rights... keys....*).

Regarding claim 2, Kawada et al. further teaches the information reproducing apparatus, wherein the material information (*VOBs*) is constituted by pieces of unit material information each having a predetermined amount of information (0037, 0039, 0045, and 0049;

consumer/industrial data ... title... keys ... usages rights ...), and

the deciphering information includes license information and identification information for identifying the pieces of unit material information which can be deciphered by the license information (0063-0064 and 0073-0074; *industrial data identifier ... consumer data identifier ... usage right key*).

Regarding claim 3, Kawada et al. discloses the information reproducing apparatus, wherein

the material information is constituted by a unit material information group constituted by pieces of unit material information each having a predetermined amount of information (0037, 0039, 0045, and 0049), and

the deciphering information includes license information and identification information for identifying the unit material information group which can be deciphered by the license information (0063-0064 and 0073-0074).

Regarding claim 4, Kawada et al. discloses the information reproducing apparatus, wherein

the deciphering information includes license information and identification information for identifying the material information which can be deciphered by the license information (0063-0064 and 0073-0074).

Regarding claim 5, Kawada et al. discloses the information reproducing apparatus, wherein the recording unit includes a first recording medium which records the record information and a second recording medium which records the license information such that the license information is prevented from being illegally used (claim 1; *first and second writing unit ... recording encrypted content and message data/usage data*), and the deciphering information further includes position information representing a recording position of the license information in the second recording medium (0072-0073 and claim 4-5).

Regarding claim 6, Kawada et al. discloses the information reproducing apparatus, wherein the position information is enciphered and recorded in the recording unit, and position information deciphering information for deciphering the position information is recorded on the second recording medium (claim 5), and the obtaining device deciphers the position information on the basis of the position information deciphering information and obtains the license information from the second recording medium on the basis of the deciphered position information (0061-0064).

Regarding claim 9, Kawada et al. discloses an information recording medium wherein the information reproducing program is recorded such that the information reproducing program can be read by a computer included in an information reproducing apparatus (fig. 4).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eleni A. Shiferaw whose telephone number is 571-272-3867. The examiner can normally be reached on Mon-Fri 8:00am-5:00pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser R. Moazzami can be reached on (571) 272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



December 1, 2006

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12/12/06